

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina



Charlotte Division

Al Smile

Case No.

3:19 CV 163-FDW

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Loebsack & Brownlee, PLLC
Caudle & Spears, P.A.

Christopher J. Loebsack
Cory Busker

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

FILED
CHARLOTTE, NC

MAY 2 - 2019

US DISTRICT COURT
WESTERN DISTRICT OF NC

Amended Complaint

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Al Smile
Street Address	4117 Park Rd #11571
City and County	Charlotte/ Mecklenburg County
State and Zip Code	North Carolina, 28277
Telephone Number	980-229-1732/ or 704-975-2529
E-mail Address	alsmile1@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	<u>Loebsack & Brownlee, PLLC</u>
Job or Title <i>(if known)</i>	<u>Top Lawyer/Main Partner in Firm</u>
Street Address	<u>1850 E. 3rd St # 245</u>
City and County	<u>Charlotte/ Mecklenburg</u>
State and Zip Code	<u>North Carolina 28204</u>
Telephone Number	<u>704-970-3900</u>
E-mail Address <i>(if known)</i>	<u>cloebsack@caudlespears.com</u>

Defendant No. 2

Name	<u>Caudle & Spears</u>
Job or Title <i>(if known)</i>	<u>Partner (Christopher Loebsack)</u>
Street Address	<u>121 West Trade St #2600</u>
City and County	<u>Charlotte/ Mecklenburg County</u>
State and Zip Code	<u>North Carolina 28277</u>
Telephone Number	<u>704-377-1200</u>
E-mail Address <i>(if known)</i>	<u>cloebsack@caudlespears.com</u>

Defendant No. 3

Name	<u>Christopher J. Loebsack</u>
Job or Title <i>(if known)</i>	<u>One of Main Partners</u>
Street Address	<u>121 West Trade St Ste. 2600</u>
City and County	<u>Charlotte/ Mecklenburg</u>
State and Zip Code	<u>North Carolina</u>
Telephone Number	<u>704-377-1200</u>
E-mail Address <i>(if known)</i>	<u>cloebsack@caudlespears.com</u>

Defendant No. 4

Name	<u>Cory Busker</u>
Job or Title <i>(if known)</i>	<u>Attorney</u>
Street Address	<u>121 West Trade St Ste. 2600</u>
City and County	<u>Charlotte/ Mecklenburg</u>
State and Zip Code	<u>North Carolina 28277</u>
Telephone Number	<u>704-377-1200</u>
E-mail Address <i>(if known)</i>	<u></u>

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*



Federal question



Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

42 U.S.C. 1985

42 U.S.C. 1983

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, *(name)* _____, is a citizen of the
State of *(name)* _____.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated
under the laws of the State of *(name)* _____,
and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, *(name)* _____, is a citizen of
the State of *(name)* _____. Or is a citizen of
(foreign nation) _____.

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.

Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

As with the other defendants in these cases, I am seeking immediate reimbursement for the 17 Months of rent I paid & didn't enjoy due to the Frustration Hate Campaign that was orchestrated & perpetrated against my Son & I which bestowed extraordinary pain misery upon my Son & I (\$1,590. X 17 = \$27,030. Also a reasonable reimburse of the time I spent defending the phony made up unlawful trick evictions this atty continued to file against us (Seeking \$72,000)!

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

Charlotte, North Carolina, in various places and in many different kinds of ways.

B. What date and approximate time did the events giving rise to your claim(s) occur?

Between Jan- 2018 'til Jan- 2019 and much of the stalking, harrassment, invasion of privacy. Cyber intrusions and sabotoge still continues!

- C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*
Lawyer (C. Loeb sack) turned out to be, Egocentric, Narcissistic & Unethical. He Weaponized Both Law firms against us, simultaneously & strategically! He did this in a well thought out methodical manner! He almost succeeded! I got lucky on a payment issue, & ended up impeaching the Parties! Judge Immediately Ruled in our favor! We prevailed (July 2nd)! I wasn't aware at this time of the coordinated collaboration yet! Judge's ruling infuriated them! My Son's Mom & the Apt Complex Mgr acted on their own without coordination in a Mad Panic! A Manic type of manner, sequentially! This is what finally allowed me to discover what I did! They were all in on the last 6 months of pain and misery bestowed upon me! That's when main partner received a call from my Son's Mom/NJ Atty's. Once the manipulation master (Son's Mom) talked to him, stroked his ego as she does so well, he now had a mission to devastate & destroy! Took over personally to show them how to take care of this! As he kept tripping up, it didn't work out like he'd planned, it was now personal! He's made 11 Appearances?!
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IV. Injury

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.
Have serious Heart Health issues (Electronic)! Son is special needs child & has a severe disability that's very difficult to deal with under these conditions! As they promised to knock me ON my Knees, distract & destroy me; physically/mentally/emotionally & financially! Our lives are at risk now! We'll be asking the Court for injunctive measures issuing an order compelling all parties to immediately/proportionately provide us with financial relief! It was their specific acts collectively that put us in this dire state of being! I was a Millionaire when this began, worked over 20 years, did it the right way! I've been robbed of my successes, depleted of my finances & used up my resources including favors from family & friends. I shouldn't be in this situation! My Son's Mom promised she'd cause me great pain & suffering & would ultimately destroy me! She has Weaponized these many Law firms against me! She's all but succeeded in fulfilling her promise! When someone like her has access to these forces and unlimited financial resources it's literally like giving "North Korea", "Nuclear Weapons"! This lawyer(C. Loeb sack) has violated every sacred oath he swore to uphold! He knowingly had unlawful orders filed against us!

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.
I am seeking immediate reimbursement for the 17 months of rent I paid while these acts were executed against us 17 X \$1,590 = \$27,030. A reasonable sum for my time and legal fees \$72,000. & also I will be asking for immediate Attorney fees which will allow me to pursue this case to reveal these unspeakable acts of terror and lawlessness that was carried out by this Atty who violated almost every law of ethics and professional rules of conduct you can imagine. It's amazing to me that he did it so blatantly as like poking a finger in the eye of Lady Justice! What this lawyer did is an absolute unbelievable disgrace! I would like to ask this Court to issue an order requiring this lawyer who participated in committing these atrocities against us to pay some form of immediate financial compensation & relief for us from this dire situation of desperation we now find ourselves in due to the collective actions of these named defendants! This is the same Atty that had a case I filed against them mysteriously dismissed stating the entity didn't exist! One week later, this same Atty files an action against me using this same Entity he just swore under oath didn't exist?! How can he answer for that with a straight face?!

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

05/02/19

Signature of Plaintiff

al smile

Printed Name of Plaintiff

Al Smile

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

"Service with a Smile"



Telecom tycoon Al Smile's passion translates into bottom-line success

The world needs ditch diggers. It also needs clever entrepreneurs. Al Smile is both.

As owner of Smiles Communication Systems, Inc., Smile is no stranger to suit and tie, sales presentations and yearly revenues in the millions. But before his dramatic rise to the top of the local telecommunications market, Smile had to literally dig ditches to make a living.

His story is one of passion, perseverance and luck.

Smile's fascination with the telecommunications industry began when a Johnson City telephone company was looking for an electrician to install some phone wire. Smile took

the job, and quickly took an interest in the work he was doing and in the industry in general.

"I realized that I absolutely loved this concept - phone wire, high-tech communications equipment, and sorting it all out for business owners and customers," said Smile. "I decided I wanted to become an expert. So I went to as many conferences and seminars as I could. I read books and asked a lot of questions."

Management at Smile's employer took notice of his drive, and he quickly ascended to Operations Manager of the phone company. Smile couldn't have been happier.

"Things were going great," he said.

Before long, though, the honeymoon was over, and the cold reality of the corporate world revealed itself to Smile.

The phone company was sold, and the new owner demoted Smile, cut his pay and stripped away his company car.

That triple-whammy

turned out to be a blessing in disguise.

"That was my first break, if you know what I mean," said Smile. "Smiles Communications was born."

Smiles set up his business on an extremely tight budget. Shortly after opening, he turned to a neighbor for help.

"We started off on a real shoestring budget. We were renting office space in the same building as First American when our first big deal came through. We needed \$50,000 in operating capital, and First American loaned me the money on a 90-day payback schedule. Everything went fine - we repaid the loan and came back for more 90-day loans at higher amounts. First American really jump-started this business and continues to



Success must be contagious - Al Smile has turned Smiles Communications into a thriving business, attributing much of the most recent success of the company to his sister Dianne's award-winning marketing strategies and performance.

be a reliable financial partner."

Smile got another break when sister Dianne Smile joined his organization. After starting out as her brother's administrative assistant, Dianne Smile quickly rose to be Operations Manager. When her brother pursued Smiles' national alliance with Lucent Technologies in the hospitality industry, Dianne ran the whole operation.

Al Smile attributes much of the most recent accelerated success of his company to his sister, Dianne, who has been the company's top marketing representative for four consecutive years and has won awards consistently at Lucent's national business conferences.

Now, after 15 years in business, Smiles Communications enjoys a reputation as a company that can work miracles. That reputation has been formed by the company's aggressive dedication to customer satisfaction, and is proven day in and day out, in projects large and small.

Known as a positive thinker, Smile's can-do attitude is contagious in his company. Each of the 45 members of the Smiles Communications staff is intensely involved in the company's success. The entire company approaches its work with the energetic spirit characterized by Smile's favorite question: "Why try to predict your future when you can create it?"

"We have a great crew here," said Smile. "When we meet to discuss projects and strategize, there is a real positive and fun atmosphere in our meetings. It's like, 'We're going to make this happen.' We get so charged

up after a good meeting that we feel like we can fly."

Smile said the greatest challenge he has faced since starting his business has been keeping up with the rapid changes taking place in the industry. Technological advances and regulatory changes in telecommunications have changed the industry substantially, but provide Smiles Communications with opportunities for further growth.

"From telephones to the Internet to video, the possibilities are endless," he said.

Smile also recognizes that businesses depend on existing and emerging technologies in order to remain competitive.

"Every single business - no exceptions - depends on this technology for their very existence," said Smile. "Sure I'm in a rapidly changing industry - I wouldn't have it any other way. We're making history as we build our future. And that's where I want to be."

Al Smile will be right where he wants to be if the company continues its steady growth. As one of the nation's most successful Lucent Technologies dealerships, the future is wide open. Smiles Communications has opened an office in Asheville, N.C., to serve the needs of telecommunications customers there. Smile hopes to eventually have locations nationwide. Smiles Communications has recently been approached by a venture capital group from New York City, and is considering an opportunity to take the company public on the NASDAQ exchange. □



The staff at Smiles Communications Systems is highly-motivated and committed to providing the best service possible.

Company Profile

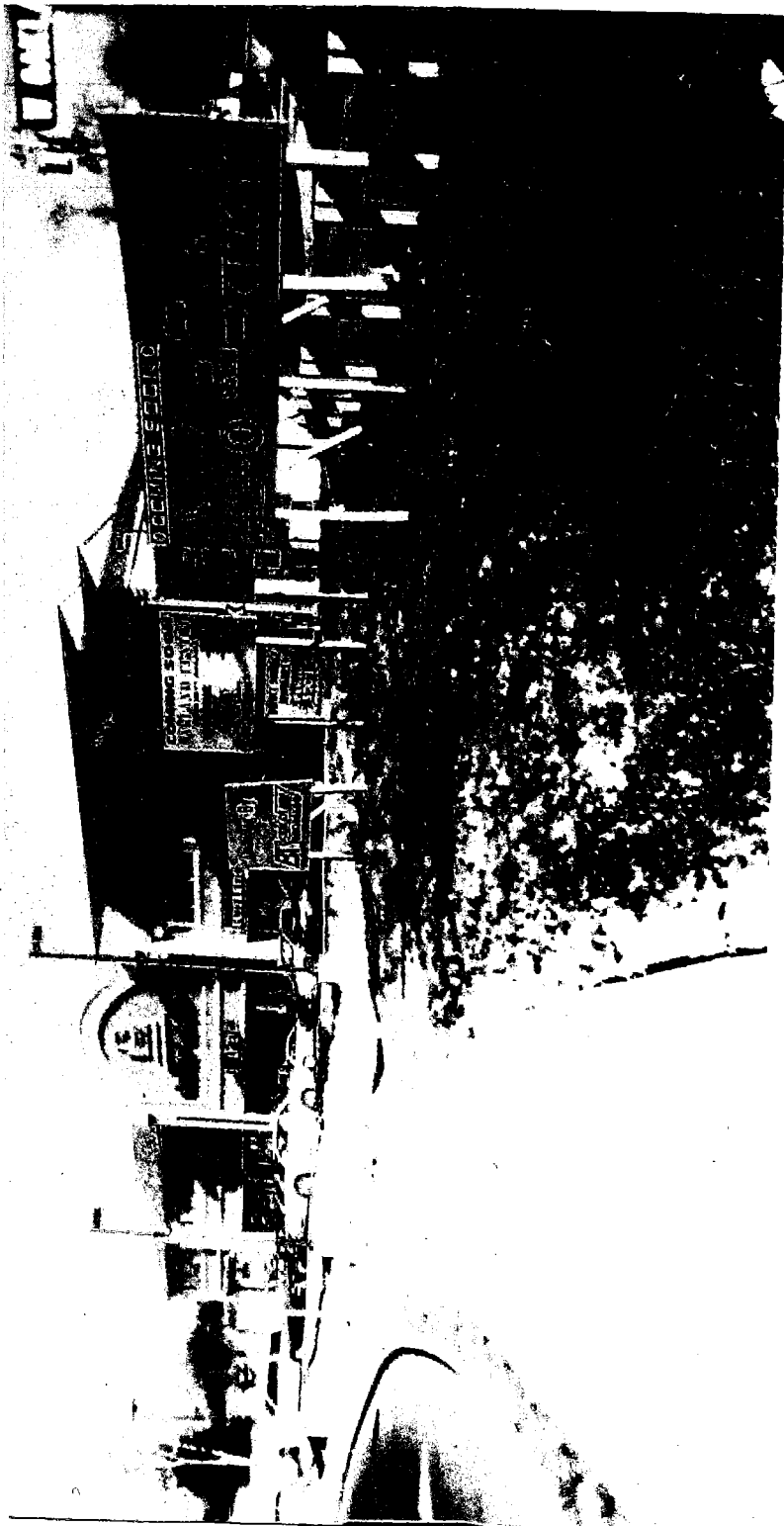
Year Founded
1984

Location
Johnson City, Tenn.

Top Business Lines
Lucent Technologies business and hospitality systems, GTE wireless equipment and cell phones

Contact Information
Phone: 423/282-6332
Fax: 423/282-0093

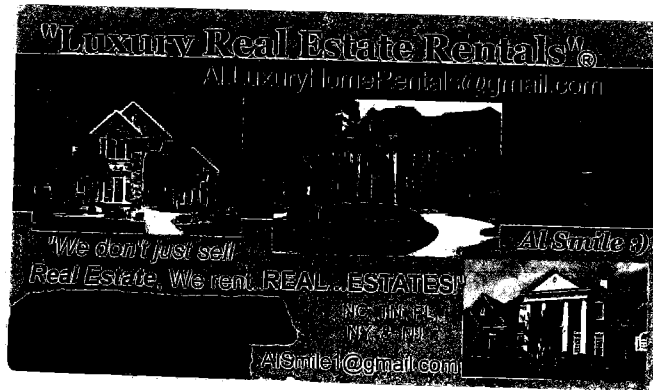
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